



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 14, 2016

By ECF

The Honorable Edgardo Ramos
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Ahmed Mohammed El Gammal, 15 Cr. 588 (ER)

Dear Judge Ramos:

The Government respectfully submits this letter in response to the defendant's December 14, 2016 letter regarding the Stipulated Protective Order in this case ("Def.'s Ltr.").

First, the defendant's letter mischaracterizes the principal authority upon which it relies—*United States v. Jones*, 16 Cr. 019 (S.D.N.Y.). The defendant claims that, in *Jones*, "Judge Gardephe recognized that the proposed prohibition on discussing certain factual evidence with any third party, absent prior court authorization, is an overly broad impairment of a defendant's ability to prepare his defense" Def.'s Ltr. at 2. That is wrong. In *Jones* no one "proposed [a] prohibition" on sharing the materials with third parties. To the contrary, the protective order in *Jones*, including the language allowing the defense to show discovery materials to third parties, was suggested by the Government and was entered on consent. See Letter from AUSAs Buckley and DeFilippis to the Honorable Paul G. Gardephe and Proposed Protective Order, *United States v. Jones*, No. 16 Cr. 19 (PGG) (Mar. 26, 2016), ECF Nos. 17 and 17-1.

Further, the protective order sought by the Government, and ultimately entered by the Court, in another case cited by the defendant, *United States v. Ricaurte Gomez*, 15 Cr. 109 (NRB), an international narcotics case, addressed sensitivities surrounding recordings and electronic communications, and not the concerns implicated in this case. *United States v. Rahimi*, 16 Cr. 760 (RMB), also cited by the defendant, the prosecution of the individual who allegedly set off bombs in Manhattan and New Jersey in September 2016, similarly involved facts, circumstances, and law enforcement sensitivities different than those at issue here.¹

¹ One or more of the undersigned has served as counsel of record for the Government in *Jones*, *Ricaurte-Gomez*, and/or *Rahimi*. Ms. Shroff represents the defendants in *Rahimi* and *Ricaurte-Gomez*.

cc: Sabrina P. Shroff/Annalisa Mirón/Daniel Habib
Counsel for Ahmed Mohammed El Gammal